

1 AN ACT concerning professional regulation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.14 and 4.24 as follows:

6 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)
7 Sec. 4.14. Acts repealed.

8 (a) The following Acts are repealed December 31, 2003:

9 The Private Detective, Private Alarm, and Private
10 Security Act of 1993.

11 The Illinois Occupational Therapy Practice Act.

12 (b) The following Acts are repealed January 1, 2004:

13 The Illinois Certified Shorthand Reporters Act of
14 1984.

15 ~~The--Veterinary-Medicine-and-Surgery-Practice-Act-of~~
16 ~~1994.~~

17 (Source: P.A. 92-457, eff 8-21-01.)

18 (5 ILCS 80/4.24)

19 Sec. 4.24. Acts repealed on January 1, 2014. The
20 following Acts are repealed on January 1, 2014:

21 The Electrologist Licensing Act.

22 The Illinois Public Accounting Act.

23 The Veterinary Medicine and Surgery Practice Act of 2004.

24 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

25 Section 10. The Environmental Health Practitioner
26 Licensing Act is amended by changing Section 16 as follows:

27 (225 ILCS 37/16)

28 (Section scheduled to be repealed on January 1, 2007)

1 Sec. 16. Exemptions. This Act does not prohibit or
2 restrict any of the following:

3 (1) A person performing the functions and duties of an
4 environmental health practitioner under the general
5 supervision of a licensed environmental health practitioner
6 or licensed professional engineer if that person (i) is not
7 responsible for the administration or supervision of one or
8 more employees engaged in an environmental health program,
9 (ii) establishes a method of verbal communication with the
10 licensed environmental health practitioner or licensed
11 professional engineer to whom they can refer and report
12 questions, problems, and emergency situations encountered in
13 environmental health practice, and (iii) has his or her
14 written reports reviewed monthly by a licensed environmental
15 health practitioner or licensed professional engineer.

16 (2) A person licensed in this State under any other Act
17 from engaging in the practice for which he or she is
18 licensed.

19 (3) A person working in laboratories licensed by,
20 registered with, or operated by the State of Illinois.

21 (4) A person employed by a State-licensed health care
22 facility who engages in the practice of environmental health
23 or whose job responsibilities include ensuring that the
24 environment in the health care facility is healthy and safe
25 for employees, patients, and visitors.

26 (5) A person employed with the Illinois Department of
27 Agriculture who engages in meat and poultry inspections or
28 environmental inspections under the authority of the
29 Department of Agriculture.

30 (6) A person holding a degree of Doctor of Veterinary
31 Medicine and Surgery and licensed under the Veterinary
32 Medicine and Surgery Practice Act of 2004.

33 (Source: P.A. 92-837, eff. 8-22-02.)

1 Section 15. The Veterinary Medicine and Surgery Practice
2 Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8,
3 8.1, 11, 15, 24.1, and 25 as follows:

4 (225 ILCS 115/2) (from Ch. 111, par. 7002)
5 (Section scheduled to be repealed on January 1, 2004)

6 Sec. 2. This Act may be cited as the Veterinary Medicine
7 and Surgery Practice Act of 2004 ~~1994~~.

8 (Source: P.A. 88-424.)

9 (225 ILCS 115/3) (from Ch. 111, par. 7003)
10 (Section scheduled to be repealed on January 1, 2004)

11 Sec. 3. Definitions: ~~---unlicensed---practice---prohibited.~~
12 {a} The following terms have the meanings indicated, unless
13 the context requires otherwise:

14 "Animal" means any animal, vertebrate or invertebrate,
15 other than a human.

16 "Board" means the Veterinary Licensing and Disciplinary
17 Board.

18 "Certified veterinary technician" means a person who has
19 graduated from a veterinary technology program accredited by
20 the American Veterinary Medical Association who has filed an
21 application with the Department, paid the fee, and passed the
22 examination as prescribed by rule.

23 "Client" means an entity, person, group, or corporation
24 that has entered into an agreement with a veterinarian for
25 the purposes of obtaining veterinary medical services.

26 "Complementary, alternative, and integrative therapies"
27 means preventative, diagnostic, and therepeutic practices
28 that, at the time they are performed, may differ from current
29 scientific knowledge or for which the theoretical basis and
30 techniques may diverge from veterinary medicine routinely
31 taught in approved veterinary medical programs. This
32 includes but is not limited to veterinary acupuncture,

1 acupuncture, acupressure, veterinary homeopathy, veterinary
2 manual or manipulative therapy (i.e. therapies based on
3 techniques practiced in osteopathy, chiropractic medicine, or
4 physical medicine and therapy), veterinary nutraceutical
5 therapy, veterinary phytotherapy, or other therapies as
6 defined by rule.

7 "Consultation" means when a veterinarian receives advice
8 in person, telephonically, electronically, or by any other
9 method of communication from a veterinarian licensed in this
10 or any other state or other person whose expertise, in the
11 opinion of the veterinarian, would benefit a patient. Under
12 any circumstance, the responsibility for the welfare of the
13 patient remains with the veterinarian receiving consultation.

14 "Department" means the Department of Professional
15 Regulation.

16 "Direct supervision" means the supervising veterinarian
17 is on the premises where the animal is being treated.

18 "Director" means the Director of Professional Regulation.

19 "Impaired veterinarian" means a veterinarian who is
20 unable to practice veterinary medicine with reasonable skill
21 and safety because of a physical or mental disability as
22 evidenced by a written determination or written consent based
23 on clinical evidence, including deterioration through the
24 aging process, loss of motor skills, or abuse of drugs or
25 alcohol of sufficient degree to diminish a person's ability
26 to deliver competent patient care.

27 "Indirect supervision" means the supervising veterinarian
28 need not be on the premises, but has given either written or
29 oral instructions for the treatment of the animal and is
30 available by telephone or other form of communication.

31 "Patient" means an animal that is examined or treated by
32 a veterinarian.

33 "Person" means an individual, firm, partnership (general,
34 limited, or limited liability), association, joint venture,

1 cooperative, corporation, limited liability company, or any
2 other group or combination acting in concert, whether or not
3 acting as a principal, partner, member, trustee, fiduciary,
4 receiver, or any other kind of legal or personal
5 representative, or as the successor in interest, assignee,
6 agent, factor, servant, employee, director, officer, or any
7 other representative of such person.

8 "Practice of veterinary medicine" means the performance
9 of one or more of the following:

10 (1) Directly or indirectly consulting, diagnosing,
11 prognosing, correcting, supervising, or recommending
12 treatment of an animal for the prevention, cure, or
13 relief of a wound, fracture, bodily injury, defect,
14 disease, or physical or mental condition by any method or
15 mode.

16 (2) Prescribing, dispensing, or administering a
17 drug, medicine, biologic appliance, application, or
18 treatment of whatever nature.

19 (3) Performing upon an animal a surgical or dental
20 operation or a complementary, alternative, or integrative
21 veterinary medical procedure.

22 (4) Performing upon an animal any manual procedure
23 for the diagnoses or treatment of pregnancy, sterility,
24 or infertility.

25 (5) Determining the health and fitness of an
26 animal.

27 (6) Representing oneself, directly or indirectly,
28 as engaging in the practice of veterinary medicine.

29 (7) Using any word, letters, or title under such
30 circumstances as to induce the belief that the person
31 using them is qualified to engage in the practice of
32 veterinary medicine or any of its branches. Such use
33 shall be prima facie evidence of the intention to
34 represent oneself as engaging in the practice of

1 veterinary medicine.

2 "Supervising veterinarian" means a veterinarian who
3 assumes responsibility for the professional care given to an
4 animal by a person working under his or her direction. The
5 supervising veterinarian must have examined the animal at
6 such time as acceptable veterinary medical practices requires
7 consistent with the particular delegated animal health care
8 task.

9 "Veterinarian-client-patient relationship" means:

10 (1) The veterinarian has assumed the responsibility
11 for making clinical judgments regarding the health of an
12 animal and the need for medical treatment and the client,
13 owner, or other caretaker has agreed to follow the
14 instructions of the veterinarian;

15 (2) There is sufficient knowledge of an animal by
16 the veterinarian to initiate at least a general or
17 preliminary diagnosis of the medical condition of the
18 animal. This means that the veterinarian has recently
19 seen and is personally acquainted with the keeping and
20 care of the animal by virtue of an examination of the
21 animal or by medically appropriate and timely visits to
22 the premises where the animal is kept; and

23 (3) The practicing veterinarian is readily
24 available for follow-up in case of adverse reactions or
25 failure of the regimen of therapy.

26 "Veterinary technology" means the performance of services
27 within the field of veterinary medicine by a person who, for
28 compensation or personal profit, is employed by a licensed
29 veterinarian to perform duties that require an understanding
30 of veterinary medicine necessary to carry out the orders of
31 the veterinarian. Those services, however, shall not include
32 diagnosing, prognosing, writing prescriptions, or surgery.

33 ~~{A}--"Department"--means--the--Department--of--Professional~~
34 ~~Regulation.~~

1 (B)--"Board"---means---the---Veterinary---Licensing---and
2 Disciplinary-Board.

3 (C)--"Director"--means--the-Director-of-the-Department-of
4 Professional-Regulation.

5 (D)--"Veterinarian"--means-a-person-holding-the-degree--of
6 Doctor--of-Veterinary-Medicine-and-Surgery-and-licensed-under
7 this-Act.

8 (E)--The-practice--of--veterinary--medicine--and--surgery
9 occurs-when-a-person:

10 (1)--Directly--or--indirectly--diagnoses, prognoses,
11 treats, administers--to, prescribes--for, operates--on,
12 manipulates-or-applies-any-apparatus-or-appliance-for-any
13 disease, pain, deformity, defect, injury, wound--or
14 physical-or-mental-condition-of-any-animal-or-bird-or-for
15 the-prevention-of, or-to-test-for--the--presence--of--any
16 disease---of---any--animal--or--bird.---The--practice--of
17 veterinary-medicine--and--surgery--includes--veterinarian
18 dentistry.

19 (2)--Represents-himself-or-herself-as-engaged-in-the
20 practice-of-veterinary-medicine-and-surgery-as-defined-in
21 paragraph--(1)--of--this--subsection, or-uses-any-words,
22 letters-or-titles--in--such--connection--and--under--such
23 circumstances--as--to--induce--the-belief-that-the-person
24 using-them-is--engaged--in--the--practice--of--veterinary
25 medicine-and-surgery-in-any-of-its-branches, or-that-such
26 person-is-a-Doctor-of-Veterinary-Medicine.

27 (F)--"Animal"--means--any--bird, fish, reptile, or-mammal
28 other-than-man.

29 (G)--"Veterinarian-client---patient-relationship"--means:

30 (1)--The-veterinarian-has-assumed-the-responsibility
31 for-making-medical-judgments-regarding-the-health--of--an
32 animal-and-the-need-for-medical-treatment-and-the-client,
33 owner, or--other--caretaker--has--agreed--to--follow-the
34 instructions-of-the-veterinarian.

1 (2) -- There is sufficient knowledge of an animal by
 2 the veterinarian to initiate at least a general or
 3 preliminary diagnosis of the medical condition of the
 4 animal. --- This means that the veterinarian has recently
 5 seen and is personally acquainted with the keeping and
 6 care of the animal by virtue of an examination of the
 7 animal or by medically appropriate and timely visits to
 8 the premises where the animal is kept.

9 (3) -- The practicing veterinarian is readily
 10 available for follow-up in case of adverse reactions or
 11 failure of the regimen of therapy.

12 (b) -- Subject to the exemptions in Section 4 of this Act,
 13 no person shall practice veterinary medicine and surgery in
 14 any of its branches without a valid license to do so.

15 (Source: P.A. 90-655, eff. 7-30-98.)

16 (225 ILCS 115/4) (from Ch. 111, par. 7004)

17 (Section scheduled to be repealed on January 1, 2004)

18 Sec. 4. Exemptions. Nothing in this Act shall apply to
 19 any of the following:

20 (1) Veterinarians employed by the federal, State,
 21 or local government Federal--Government while actually
 22 engaged in their official duties.

23 (2) Licensed veterinarians from other states who
 24 are invited to Illinois for consultation or lecturing.

25 (3) Veterinarians employed by colleges or
 26 universities ~~or by state agencies~~, while engaged in the
 27 performance of their official duties.

28 (4) A veterinarian employed by an approved college
 29 of veterinary medicine providing assistance requested by
 30 a veterinarian licensed in Illinois, acting with informed
 31 consent from the client and acting under the direct or
 32 indirect supervision and control of the licensed
 33 veterinarian. Providing assistance involves hands-on

1 active participation in the treatment and care of the
2 patient. The licensed veterinarian shall maintain
3 responsibility for the veterinarian-client-patient
4 relationship.

5 (5)(4) Veterinary students in an approved college,
6 university, department of a university, or other
7 institution of veterinary medicine and surgery engaged in
8 while-in-the-performance--of duties assigned by their
9 instructors.

10 (6)(5) Any person engaged in bona fide scientific
11 research which requires the use of animals.

12 (7) A person advising with respect to or performing
13 acts that the Board has prescribed by rule as accepted
14 livestock management practices. Artificial insemination
15 is an accepted livestock management practice.

16 (8) An owner of an animal and any of the owner's
17 regular employees caring for and treating the animal
18 belonging to the owner, except where the ownership of the
19 animal was transferred for purposes of circumventing this
20 Act. Notwithstanding the provisions of this item (8), a
21 veterinarian-client-patient relationship must exist when
22 prescription drugs are administered, distributed,
23 dispensed, or prescribed.

24 (9) A member in good standing of another licensed
25 or regulated profession within any state or a member of
26 an organization or group approved by the Department by
27 rule providing assistance requested by a veterinarian
28 licensed in this State acting with informed consent from
29 the client and acting under the direct or indirect
30 supervision and control of the licensed veterinarian.
31 Providing assistance involves hands-on active
32 participation in the treatment and care of the patient,
33 as defined by rule. The licensed veterinarian shall
34 maintain responsibility for the

1 veterinarian-client-patient relationship.

2 (10) A graduate of a non-approved college of
3 veterinary medicine who is in the process of obtaining a
4 certificate of educational equivalence and is performing
5 duties or actions assigned by instructors in an approved
6 college of veterinary medicine.

7 (11) A certified euthanasia technician who is
8 authorized to perform euthanasia in the course and scope
9 of his or her employment.

10 (12) A person who, without expectation of
11 compensation, provides emergency veterinary care in an
12 emergency or disaster situation so long as he or she does
13 not represent himself or herself as a veterinarian or use
14 a title or degree pertaining to the practice veterinary
15 medicine and surgery.

16 (13) A certified veterinary technician or other
17 employee of a licensed veterinarian performing duties
18 other than diagnosis, prognosis, prescription, or surgery
19 under the direction and supervision of the veterinarian,
20 who shall be responsible for the performance of the
21 employee. (6)--The-dehorning, castration, emasculation or
22 doeking--of-cattle, horses, sheep, goats and swine in the
23 course--or--exchange--of--work--for--which--no--monetary
24 compensation--is--paid--or--to-artificial-insemination-and
25 the-drawing-of-semen. Nor shall this Act be construed--to
26 prohibit--any--person--from--administering, in--a-humane
27 manner, medicinal or surgical--treatment--to--any--animal
28 belonging--to--such--person, unless--title--has--been
29 transferred-for-the-purpose-of--circumventing--this--Act.
30 However, any--such--services--shall--comply--with--the--Humane
31 Care-for-Animals-Act.

32 (7)--Members-of-other-licensed--professions--or--any
33 other--individuals--when--called--for--consultation--and
34 assistance-by-a-veterinarian-licensed--in--the--State--of

1 Illinois--and--who--act--under--the--supervision,--direction,
2 and--control--of--the--veterinarian,--as--further--defined--by
3 rule--of--the--Department.

4 (8)--Certified-euthanasia-technicians-

5 (Source: P.A. 92-449, eff. 1-1-02.)

6 (225 ILCS 115/5) (from Ch. 111, par. 7005)

7 (Section scheduled to be repealed on January 1, 2004)

8 Sec. 5. No person shall practice veterinary medicine and
9 surgery in any of its branches without a valid license to do
10 so. Any person not licensed under this Act who performs any
11 of the functions described as the practice of veterinary
12 medicine or surgery as defined in this Act, who announces to
13 the public in any way an intention to practice veterinary
14 medicine and surgery, who uses the title Doctor of Veterinary
15 Medicine or the initials D.V.M. or V.M.D., or who opens an
16 office, hospital, or clinic for such purposes is considered
17 to have violated this Act and may be subject to all the
18 penalties provided for such violations.

19 It shall be unlawful for any person who is not licensed
20 in this State to provide veterinary medical services from any
21 state to a client or patient in this State through
22 telephonic, electronic, or other means.

23 Nothing in this Act shall be construed to prevent members
24 of other professions from performing functions for which they
25 are duly licensed. Other professionals may not, however,
26 hold themselves out or refer to themselves by any title or
27 descriptions stating or implying that they are engaged in the
28 practice of veterinary medicine or that they are licensed to
29 engage in the practice of veterinary medicine.

30 (Source: P.A. 83-1016.)

31 (225 ILCS 115/8) (from Ch. 111, par. 7008)

32 (Section scheduled to be repealed on January 1, 2004)

1 Sec. 8. Qualifications. A person is qualified to receive
 2 a license if he or she: (1) is of good moral character; (2)
 3 has received at least 2 years of preveterinary collegiate
 4 training; (3) has graduated from a veterinary school that
 5 requires for graduation a 4-year, or equivalent, course in
 6 veterinary medicine and surgery approved by the Department;
 7 and (4) has passed the examination authorized by the
 8 Department to determine fitness to hold a license.

9 Applicants for licensure from non-approved veterinary
 10 schools are required to successfully complete a program of
 11 educational equivalency as established by rule. At a
 12 minimum, this program shall include all of the following:

13 (1) A certified transcript from such a school.

14 (2) Successful completion of a communication
 15 ability examination designed to assess communication
 16 skills, including a command of the English language.

17 (3) Successful completion of an examination or
 18 assessment mechanism designed to evaluate educational
 19 equivalence, including both preclinical and clinical
 20 competencies.

21 (4) Any other reasonable assessment mechanism
 22 designed to ensure an applicant possesses the educational
 23 background necessary to protect the public health and
 24 safety.

25 Successful completion of the criteria set forth in this
 26 Section shall establish education equivalence as one of the
 27 criteria for licensure set forth in this Act. Applicants
 28 under this Section must also meet all other statutory
 29 criteria for licensure prior to the issuance of any such
 30 license, including graduation from veterinary school.

31 ~~With--respect--to--graduates--of--unapproved--veterinary~~
 32 ~~programs,--the--Department--shall--determine--if--such--programs~~
 33 ~~meet--standards--equivalent--to--those--set--forth--in--clauses--(2),~~
 34 ~~(3),--and--(4)--of--Section--9--of--this--Act.~~

1 Graduates of non-approved veterinary schools are required
 2 to pass a proficiency examination specified by the Department
 3 or to provide one year of evaluated clinical experience as an
 4 employee of a licensed veterinarian. Prior to hiring such
 5 person, the licensed veterinarian shall notify the Board, in
 6 writing, and shall employ such persons only upon the written
 7 approval of the Board. Such approval shall be for one year
 8 only and is not renewable. Such clinical employees shall
 9 treat animals only under the direct supervision of the
 10 licensed veterinarian.

11 In determining moral character under this Section, the
 12 Department may take into consideration any felony conviction
 13 of the applicant, but such a conviction shall not operate as
 14 a bar to obtaining a license. The Department may also
 15 request the applicant to submit and may consider as evidence
 16 of moral character, endorsements from 2 individuals licensed
 17 under this Act.

18 (Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

19 (225 ILCS 115/8.1) (from Ch. 111, par. 7008.1)

20 (Section scheduled to be repealed on January 1, 2004)

21 Sec. 8.1. Certified veterinary technician. "Certified
 22 veterinary technician" means a person who has graduated from
 23 a veterinary technology program accredited by the American
 24 Veterinary Medical Association who has filed an application
 25 with the Department, paid the fee, and passed the examination
 26 as prescribed by rule. Veterinary technology is defined as
 27 the performance of services within the field of veterinary
 28 medicine by a person who for compensation or personal profit,
 29 is employed by a licensed veterinarian to perform duties that
 30 require an understanding of veterinary medicine as required
 31 in carrying out the orders of the veterinarian. However,
 32 these services shall not include diagnosing, prognosing,
 33 writing prescriptions, or surgery. A person who is a

1 certified as-a veterinary technician who performs veterinary
2 technology contrary to this Act is guilty of a Class A
3 misdemeanor and shall be subject to the revocation of his or
4 her certificate. However, these penalties and restrictions
5 shall not apply to a student while performing activities
6 required as a part of his or her training.

7 The Department and the Board are authorized to hold
8 hearings, reprimand, suspend, revoke, or refuse to issue or
9 renew a certificate and to perform any other acts that may be
10 necessary to regulate certified veterinary technicians in a
11 manner consistent with the provisions of the Act applicable
12 to veterinarians.

13 The title "Certified veterinary technician" and the
14 initials "CVT" may only be used by persons certified by the
15 Department. A person who uses these titles without the
16 certification as provided in this Section is guilty of a
17 Class A misdemeanor.

18 Certified veterinary technicians shall be required to
19 complete continuing education as prescribed by rule to renew
20 their certification.

21 (Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

22 (225 ILCS 115/11) (from Ch. 111, par. 7011)

23 (Section scheduled to be repealed on January 1, 2004)

24 Sec. 11. Temporary permits. A person holding the degree
25 of Doctor of Veterinary Medicine, or its equivalent, from an
26 approved veterinary program, and who has applied in writing
27 to the Department for a license to practice veterinary
28 medicine and surgery in any of its branches, and who has
29 fulfilled the requirements of Section 8 of this Act, with the
30 exception of receipt of notification of his or her
31 examination results, may receive, at the discretion of the
32 Department, a temporary permit to practice under the direct
33 supervision of a specified veterinarian who is licensed in

1 this State, until: (1) the applicant has been notified of the
2 results of the examination authorized by the Department; or
3 (2) the applicant has withdrawn his or her application.

4 A temporary permit may be issued by the Department to a
5 person who is a veterinarian licensed under the laws of
6 another state, a territory of the United States, or a foreign
7 country, upon application in writing to the Department for a
8 license under this Act if he or she is qualified to receive a
9 license and until: (1) the expiration of 6 months after the
10 filing of the written application, (2) the withdrawal of the
11 application or (3) the denial of the application by the
12 Department.

13 A temporary permit issued under this Section shall not be
14 extended or renewed. The holder of a temporary permit shall
15 perform only those acts that may be prescribed by and
16 incidental to his or her employment and that act shall be
17 performed under the direction of a supervising specified
18 licensed veterinarian who is licensed in this State. The
19 holder of the temporary permit He shall not be entitled to
20 otherwise engage in the practice of veterinary medicine until
21 fully licensed in this State.

22 Upon the revocation of a temporary permit, the Department
23 shall immediately notify, by certified mail, the supervising
24 specified veterinarian employing the holder of a temporary
25 permit and the holder of the permit. A temporary permit
26 shall be revoked by the Department upon proof that the holder
27 of the permit has engaged in the practice of veterinary
28 medicine in this State outside his or her employment under a
29 licensed veterinarian.

30 (Source: P.A. 90-655, eff. 7-30-98.)

31 (225 ILCS 115/15) (from Ch. 111, par. 7015)

32 (Section scheduled to be repealed on January 1, 2004)

33 Sec. 15. Expiration and renewal of license. The

1 expiration date and renewal period for each license or
2 certificate shall be set by rule. A veterinarian or
3 certified veterinary technician whose license or certificate
4 has expired may reinstate his or her license or certificate
5 at any time within 5 years after the expiration thereof, by
6 making a renewal application and by paying the required fee
7 and submitting proof of the required continuing education.
8 However, any veterinarian or certified veterinary technician
9 whose license or certificate expired while he or she was (1)
10 on active duty with the Armed Forces of the United States or
11 called into service or training by the State militia or (2)
12 in training or education under the supervision of the United
13 States preliminary to induction into the military service,
14 may have his license or certificate renewed, reinstated, or
15 restored without paying any lapsed renewal fees if within 2
16 years after termination of the service, training, or
17 education the veterinarian furnishes the Department with
18 satisfactory evidence of service, training, or education and
19 it has been terminated under honorable conditions.

20 Any veterinarian or certified veterinary technician whose
21 license or certificate has expired for more than 5 years may
22 have it restored by making application to the Department and
23 filing acceptable proof of fitness to have the license or
24 certificate restored. The proof may include sworn evidence
25 certifying active practice in another jurisdiction. The
26 veterinarian or certified veterinary technician shall also
27 pay the required restoration fee and submit proof of the
28 required continuing education. If the veterinarian or
29 certified veterinary technician has not practiced for 5 years
30 or more, the Board shall determine by an evaluation program
31 established by rule, whether the individual is fit to resume
32 active status and may require the veterinarian to complete a
33 period of evaluated clinical experience and may require
34 successful completion of a clinical examination.

1 (Source: P.A. 92-84, eff. 7-1-02.)

2 (225 ILCS 115/24.1)

3 (Section scheduled to be repealed on January 1, 2004)

4 Sec. 24.1. Impaired veterinarians. "Impaired
5 veterinarian"--means-a-veterinarian-who-is-unable-to-practice
6 veterinary-medicine-with-reasonable-skill-and-safety--because
7 of--a-physical-or-mental-disability-as-evidenced-by-a-written
8 determination-or-written-consent-based-on-clinical--evidence,
9 including--deterioration--through--the-aging-process,-loss-of
10 motor-skills,-or-abuse-of--drugs--or--alcohol--of--sufficient
11 degree--to--diminish--a-person's-ability-to-deliver-competent
12 patient-care. The Department shall establish by rule a
13 program of care, counseling, or treatment for the impaired
14 veterinarians veterinarian.

15 "Program of care, counseling, or treatment" means a
16 written schedule of organized treatment, care, counseling,
17 activities, or education satisfactory to the Board, designed
18 for the purpose of restoring an impaired person to a
19 condition whereby the impaired person can practice veterinary
20 medicine with reasonable skill and safety of a sufficient
21 degree to deliver competent patient care.

22 (Source: P.A. 88-424.)

23 (225 ILCS 115/25) (from Ch. 111, par. 7025)

24 (Section scheduled to be repealed on January 1, 2004)

25 Sec. 25. Disciplinary actions.

26 1. The Department may refuse to issue or renew, or may
27 revoke, suspend, place on probation, reprimand, or take other
28 disciplinary action as the Department may deem appropriate,
29 including fines not to exceed \$1,000 for each violation, with
30 regard to any license or certificate for any one or
31 combination of the following:

32 A. Material misstatement in furnishing information

1 to the Department.

2 B. Violations of this Act, or of the rules
3 promulgated under this Act.

4 C. Conviction of any crime under the laws of the
5 United States or any state or territory of the United
6 States that is a felony or that is a misdemeanor, an
7 essential element of which is dishonesty, or of any
8 crime that is directly related to the practice of the
9 profession.

10 D. Making any misrepresentation for the purpose of
11 obtaining licensure or certification, or violating any
12 provision of this Act or the rules promulgated under this
13 Act pertaining to advertising.

14 E. Professional incompetence.

15 F. Gross malpractice.

16 G. Aiding or assisting another person in violating
17 any provision of this Act or rules.

18 H. Failing, within 60 days, to provide information
19 in response to a written request made by the Department.

20 I. Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public.

23 J. Habitual or excessive use or addiction to
24 alcohol, narcotics, stimulants, or any other chemical
25 agent or drug that results in the inability to practice
26 with reasonable judgment, skill, or safety.

27 K. Discipline by another state, District of
28 Columbia, territory, or foreign nation, if at least one
29 of the grounds for the discipline is the same or
30 substantially equivalent to those set forth herein.

31 L. Directly or indirectly giving to or receiving
32 from any person, firm, corporation, partnership or
33 association any fee, commission, rebate or other form of
34 compensation for professional services not actually or

1 personally rendered.

2 M. A finding by the Board that the licensee or
3 certificate holder, after having his license or
4 certificate placed on probationary status, has violated
5 the terms of probation.

6 N. Willfully making or filing false records or
7 reports in his practice, including but not limited to
8 false records filed with State agencies or departments.

9 O. Physical illness, including but not limited to,
10 deterioration through the aging process, or loss of motor
11 skill which results in the inability to practice the
12 profession with reasonable judgement, skill or safety.

13 P. Solicitation of professional services other than
14 permitted advertising.

15 Q. Having professional connection with or lending
16 one's name, directly or indirectly, to any illegal
17 practitioner of veterinary medicine and surgery and the
18 various branches thereof.

19 R. Conviction of or cash compromise of a charge or
20 violation of the Harrison Act or the Illinois Controlled
21 Substances Act, regulating narcotics.

22 S. Fraud or dishonesty in applying, treating, or
23 reporting on tuberculin or other biological tests.

24 T. Failing to report, as required by law, or making
25 false report of any contagious or infectious diseases.

26 U. Fraudulent use or misuse of any health
27 certificate, shipping certificate, brand inspection
28 certificate, or other blank forms used in practice that
29 might lead to the dissemination of disease or the
30 transportation of diseased animals dead or alive; or
31 dilatory methods, willful neglect, or misrepresentation
32 in the inspection of milk, meat, poultry, and the
33 by-products thereof.

34 V. Conviction on a charge of cruelty to animals.

1 W. Failure to keep one's premises and all equipment
2 therein in a clean and sanitary condition.

3 X. Failure to provide satisfactory proof of having
4 participated in approved continuing education programs.

5 Y. Failure to (i) file a return, (ii) pay the tax,
6 penalty, or interest shown in a filed return, or (iii)
7 pay any final assessment of tax, penalty, or interest, as
8 required by any tax Act administered by the Illinois
9 Department of Revenue, until the requirements of that tax
10 Act are satisfied.

11 Z. Conviction by any court of competent
12 jurisdiction, either within or outside this State, of any
13 violation of any law governing the practice of veterinary
14 medicine, if the Department determines, after
15 investigation, that the person has not been sufficiently
16 rehabilitated to warrant the public trust.

17 AA. Promotion of the sale of drugs, devices,
18 appliances, or goods provided for a patient in any manner
19 to exploit the client for financial gain of the
20 veterinarian.

21 BB. Gross, willful, or continued overcharging for
22 professional services, including filing false statements
23 for collection of fees for which services are not
24 rendered.

25 CC. Practicing under a false or, except as provided
26 by law, an assumed name.

27 DD. Fraud or misrepresentation in applying for, or
28 procuring, a license under this Act or in connection with
29 applying for renewal of a license under this Act.

30 EE. Cheating on or attempting to subvert the
31 licensing examination administered under this Act.

32 FF. Using, prescribing, or selling a prescription
33 drug or the extra-label use of a prescription drug by any
34 means in the absence of a valid

1 veterinarian-client-patient relationship.

2 2. The determination by a circuit court that a licensee
3 or certificate holder is subject to involuntary admission or
4 judicial admission as provided in the Mental Health and
5 Developmental Disabilities Code operates as an automatic
6 suspension. The suspension will end only upon a finding by
7 a court that the patient is no longer subject to involuntary
8 admission or judicial admission and issues an order so
9 finding and discharging the patient; and upon the
10 recommendation of the Board to the Director that the licensee
11 or certificate holder be allowed to resume his practice.

12 3. All proceedings to suspend, revoke, place on
13 probationary status, or take any other disciplinary action as
14 the Department may deem proper, with regard to a license or
15 certificate on any of the foregoing grounds, must be
16 commenced within 3 years after receipt by the Department of a
17 complaint alleging the commission of or notice of the
18 conviction order for any of the acts described in this
19 Section. Except for proceedings brought for violations of
20 items (CC), (DD), or (EE), no action shall be commenced more
21 than 5 years after the date of the incident or act alleged to
22 have violated this Section. In the event of the settlement
23 of any claim or cause of action in favor of the claimant or
24 the reduction to final judgment of any civil action in favor
25 of the plaintiff, the claim, cause of action, or civil action
26 being grounded on the allegation that a person licensed or
27 certified under this Act was negligent in providing care, the
28 Department shall have an additional period of one year from
29 the date of the settlement or final judgment in which to
30 investigate and begin formal disciplinary proceedings under
31 Section 25.2 of this Act, except as otherwise provided by
32 law. The time during which the holder of the license or
33 certificate was outside the State of Illinois shall not be
34 included within any period of time limiting the commencement

1 of disciplinary action by the Department.

2 (Source: P.A. 88-424.)

3 Section 20. The Animal Welfare Act is amended by
4 changing Section 2 as follows:

5 (225 ILCS 605/2) (from Ch. 8, par. 302)

6 Sec. 2. Definitions. As used in this Act unless the
7 context otherwise requires:

8 "Department" means the Illinois Department of
9 Agriculture.

10 "Director" means the Director of the Illinois Department
11 of Agriculture.

12 "Pet shop operator" means any person who sells, offers to
13 sell, exchange, or offers for adoption with or without charge
14 or donation dogs, cats, birds, fish, reptiles, or other
15 animals customarily obtained as pets in this State. However,
16 a person who sells only such animals that he has produced and
17 raised shall not be considered a pet shop operator under this
18 Act, and a veterinary hospital or clinic operated by a
19 veterinarian or veterinarians licensed under the Veterinary
20 Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be
21 considered a pet shop operator under this Act.

22 "Dog dealer" means any person who sells, offers to sell,
23 exchange, or offers for adoption with or without charge or
24 donation dogs in this State. However, a person who sells only
25 dogs that he has produced and raised shall not be considered
26 a dog dealer under this Act, and a veterinary hospital or
27 clinic operated by a veterinarian or veterinarians licensed
28 under the Veterinary Medicine and Surgery Practice Act of
29 2004 ~~1994~~ shall not be considered a dog dealer under this
30 Act.

31 "Secretary of Agriculture" or "Secretary" means the
32 Secretary of Agriculture of the United States Department of

1 Agriculture.

2 "Person" means any person, firm, corporation,
3 partnership, association or other legal entity, any public or
4 private institution, the State of Illinois, or any municipal
5 corporation or political subdivision of the State.

6 "Kennel operator" means any person who operates an
7 establishment, other than an animal control facility,
8 veterinary hospital, or animal shelter, where dogs or dogs
9 and cats are maintained for boarding, training or similar
10 purposes for a fee or compensation; or who sells, offers to
11 sell, exchange, or offers for adoption with or without charge
12 dogs or dogs and cats which he has produced and raised. A
13 person who owns, has possession of, or harbors 5 or less
14 females capable of reproduction shall not be considered a
15 kennel operator.

16 "Cattery operator" means any person who operates an
17 establishment, other than an animal control facility or
18 animal shelter, where cats are maintained for boarding,
19 training or similar purposes for a fee or compensation; or
20 who sells, offers to sell, exchange, or offers for adoption
21 with or without charges cats which he has produced and
22 raised. A person who owns, has possession of, or harbors 5
23 or less females capable of reproduction shall not be
24 considered a cattery operator.

25 "Animal control facility" means any facility operated by
26 or under contract for the State, county, or any municipal
27 corporation or political subdivision of the State for the
28 purpose of impounding or harboring seized, stray, homeless,
29 abandoned or unwanted dogs, cats, and other animals. "Animal
30 control facility" also means any veterinary hospital or
31 clinic operated by a veterinarian or veterinarians licensed
32 under the Veterinary Medicine and Surgery Practice Act of
33 2004 ~~1994~~ which operates for the above mentioned purpose in
34 addition to its customary purposes.

1 "Animal shelter" means a facility operated, owned, or
2 maintained by a duly incorporated humane society, animal
3 welfare society, or other non-profit organization for the
4 purpose of providing for and promoting the welfare,
5 protection, and humane treatment of animals. "Animal
6 shelter" also means any veterinary hospital or clinic
7 operated by a veterinarian or veterinarians licensed under
8 the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~
9 which operates for the above mentioned purpose in addition to
10 its customary purposes.

11 "Foster home" means an entity that accepts the
12 responsibility for stewardship of animals that are the
13 obligation of an animal shelter, not to exceed 4 animals at
14 any given time. Permits to operate as a "foster home" shall
15 be issued through the animal shelter.

16 "Guard dog service" means an entity that, for a fee,
17 furnishes or leases guard or sentry dogs for the protection
18 of life or property. A person is not a guard dog service
19 solely because he or she owns a dog and uses it to guard his
20 or her home, business, or farmland.

21 "Guard dog" means a type of dog used primarily for the
22 purpose of defending, patrolling, or protecting property or
23 life at a commercial establishment other than a farm. "Guard
24 dog" does not include stock dogs used primarily for handling
25 and controlling livestock or farm animals, nor does it
26 include personally owned pets that also provide security.

27 "Sentry dog" means a dog trained to work without
28 supervision in a fenced facility other than a farm, and to
29 deter or detain unauthorized persons found within the
30 facility.

31 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
32 90-403, eff. 8-15-97.)

33 Section 25. The Elder Abuse and Neglect Act is amended

1 by changing Section 2 as follows:

2 (320 ILCS 20/2) (from Ch. 23, par. 6602)

3 Sec. 2. Definitions. As used in this Act, unless the
4 context requires otherwise:

5 (a) "Abuse" means causing any physical, mental or sexual
6 injury to an eligible adult, including exploitation of such
7 adult's financial resources.

8 Nothing in this Act shall be construed to mean that an
9 eligible adult is a victim of abuse or neglect for the sole
10 reason that he or she is being furnished with or relies upon
11 treatment by spiritual means through prayer alone, in
12 accordance with the tenets and practices of a recognized
13 church or religious denomination.

14 Nothing in this Act shall be construed to mean that an
15 eligible adult is a victim of abuse because of health care
16 services provided or not provided by licensed health care
17 professionals.

18 (a-5) "Abuser" means a person who abuses, neglects, or
19 financially exploits an eligible adult.

20 (a-7) "Caregiver" means a person who either as a result
21 of a family relationship, voluntarily, or in exchange for
22 compensation has assumed responsibility for all or a portion
23 of the care of an eligible adult who needs assistance with
24 activities of daily living.

25 (b) "Department" means the Department on Aging of the
26 State of Illinois.

27 (c) "Director" means the Director of the Department.

28 (d) "Domestic living situation" means a residence where
29 the eligible adult lives alone or with his or her family or a
30 caregiver, or others, or a board and care home or other
31 community-based unlicensed facility, but is not:

32 (1) A licensed facility as defined in Section 1-113
33 of the Nursing Home Care Act;

1 (2) A "life care facility" as defined in the Life
2 Care Facilities Act;

3 (3) A home, institution, or other place operated by
4 the federal government or agency thereof or by the State
5 of Illinois;

6 (4) A hospital, sanitarium, or other institution,
7 the principal activity or business of which is the
8 diagnosis, care, and treatment of human illness through
9 the maintenance and operation of organized facilities
10 therefor, which is required to be licensed under the
11 Hospital Licensing Act;

12 (5) A "community living facility" as defined in the
13 Community Living Facilities Licensing Act;

14 (6) A "community residential alternative" as
15 defined in the Community Residential Alternatives
16 Licensing Act; and

17 (7) A "community-integrated living arrangement" as
18 defined in the Community-Integrated Living Arrangements
19 Licensure and Certification Act.

20 (e) "Eligible adult" means a person 60 years of age or
21 older who resides in a domestic living situation and is, or
22 is alleged to be, abused, neglected, or financially exploited
23 by another individual.

24 (f) "Emergency" means a situation in which an eligible
25 adult is living in conditions presenting a risk of death or
26 physical, mental or sexual injury and the provider agency has
27 reason to believe the eligible adult is unable to consent to
28 services which would alleviate that risk.

29 (f-5) "Mandated reporter" means any of the following
30 persons while engaged in carrying out their professional
31 duties:

32 (1) a professional or professional's delegate while
33 engaged in: (i) social services, (ii) law enforcement,
34 (iii) education, (iv) the care of an eligible adult or

1 eligible adults, or (v) any of the occupations required
2 to be licensed under the Clinical Psychologist Licensing
3 Act, the Clinical Social Work and Social Work Practice
4 Act, the Illinois Dental Practice Act, the Dietetic and
5 Nutrition Services Practice Act, the Marriage and Family
6 Therapy Licensing Act, the Medical Practice Act of 1987,
7 the Naprapathic Practice Act, the Nursing and Advanced
8 Practice Nursing Act, the Nursing Home Administrators
9 Licensing and Disciplinary Act, the Illinois Occupational
10 Therapy Practice Act, the Illinois Optometric Practice
11 Act of 1987, the Pharmacy Practice Act of 1987, the
12 Illinois Physical Therapy Act, the Physician Assistant
13 Practice Act of 1987, the Podiatric Medical Practice Act
14 of 1987, the Respiratory Care Practice Act, the
15 Professional Counselor and Clinical Professional
16 Counselor Licensing Act, the Illinois Speech-Language
17 Pathology and Audiology Practice Act, the Veterinary
18 Medicine and Surgery Practice Act of 2004 ~~1994~~, and the
19 Illinois Public Accounting Act;

20 (2) an employee of a vocational rehabilitation
21 facility prescribed or supervised by the Department of
22 Human Services;

23 (3) an administrator, employee, or person providing
24 services in or through an unlicensed community based
25 facility;

26 (4) a Christian Science Practitioner;

27 (5) field personnel of the Department of Public
28 Aid, Department of Public Health, and Department of Human
29 Services, and any county or municipal health department;

30 (6) personnel of the Department of Human Services,
31 the Guardianship and Advocacy Commission, the State Fire
32 Marshal, local fire departments, the Department on Aging
33 and its subsidiary Area Agencies on Aging and provider
34 agencies, and the Office of State Long Term Care

1 Ombudsman;

2 (7) any employee of the State of Illinois not
3 otherwise specified herein who is involved in providing
4 services to eligible adults, including professionals
5 providing medical or rehabilitation services and all
6 other persons having direct contact with eligible adults;
7 or

8 (8) a person who performs the duties of a coroner
9 or medical examiner.

10 (g) "Neglect" means another individual's failure to
11 provide an eligible adult with or willful withholding from an
12 eligible adult the necessities of life including, but not
13 limited to, food, clothing, shelter or medical care. This
14 subsection does not create any new affirmative duty to
15 provide support to eligible adults. Nothing in this Act
16 shall be construed to mean that an eligible adult is a victim
17 of neglect because of health care services provided or not
18 provided by licensed health care professionals.

19 (h) "Provider agency" means any public or nonprofit
20 agency in a planning and service area appointed by the
21 regional administrative agency with prior approval by the
22 Department on Aging to receive and assess reports of alleged
23 or suspected abuse, neglect, or financial exploitation.

24 (i) "Regional administrative agency" means any public or
25 nonprofit agency in a planning and service area so designated
26 by the Department, provided that the designated Area Agency
27 on Aging shall be designated the regional administrative
28 agency if it so requests. The Department shall assume the
29 functions of the regional administrative agency for any
30 planning and service area where another agency is not so
31 designated.

32 (j) "Substantiated case" means a reported case of
33 alleged or suspected abuse, neglect, or financial
34 exploitation in which a provider agency, after assessment,

1 determines that there is reason to believe abuse, neglect, or
2 financial exploitation has occurred.

3 (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99;
4 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

5 Section 30. The Illinois Food, Drug and Cosmetic Act is
6 amended by changing Section 3.21 as follows:

7 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

8 Sec. 3.21. Except as authorized by this Act, the
9 Controlled Substances Act, the Pharmacy Practice Act of 1987,
10 the Dental Practice Act, the Medical Practice Act of 1987,
11 the Veterinary Medicine and Surgery Practice Act of 2004
12 ~~1994~~, or the Podiatric Medical Practice Act of 1987, to sell
13 or dispense a prescription drug without a prescription.

14 (Source: P.A. 88-424.)

15 Section 35. The Humane Care for Animals Act is amended
16 by changing Section 2.01h as follows:

17 (510 ILCS 70/2.01h)

18 Sec. 2.01h. Animal shelter. "Animal shelter" means a
19 facility operated, owned, or maintained by a duly
20 incorporated humane society, animal welfare society, or other
21 non-profit organization for the purpose of providing for and
22 promoting the welfare, protection, and humane treatment of
23 animals. "Animal shelter" also means any veterinary hospital
24 or clinic operated by a veterinarian or veterinarians
25 licensed under the Veterinary Medicine and Surgery Practice
26 Act of 2004 ~~1994~~ which operates for the above mentioned
27 purpose in addition to its customary purposes.

28 (Source: P.A. 92-454, eff. 1-1-02.)

29 Section 40. The Humane Euthanasia in Animal Shelters Act

1 is amended by changing Section 5 as follows:

2 (510 ILCS 72/5)

3 Sec. 5. Definitions.

4 The following terms have the meanings indicated, unless the
5 context requires otherwise:

6 "Animal" means any bird, fish, reptile, or mammal other
7 than man.

8 "DEA" means the United States Department of Justice Drug
9 Enforcement Administration.

10 "Department" means the Department of Professional
11 Regulation.

12 "Director" means the Director of the Department of
13 Professional Regulation.

14 "Euthanasia agency" means an entity certified by the
15 Department for the purpose of animal euthanasia that holds an
16 animal control facility or animal shelter license under the
17 Animal Welfare Act.

18 "Euthanasia drugs" means Schedule II or Schedule III
19 substances (nonnarcotic controlled substances) as set forth
20 in the Illinois Controlled Substances Act that are used by a
21 euthanasia agency for the purpose of animal euthanasia.

22 "Euthanasia technician" or "technician" means a person
23 employed by a euthanasia agency or working under the direct
24 supervision of a veterinarian and who is certified by the
25 Department to administer euthanasia drugs to euthanize
26 animals.

27 "Veterinarian" means a person holding the degree of
28 Doctor of Veterinary Medicine who is licensed under the
29 Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~.

30 (Source: P.A. 92-449, eff. 1-1-02.)

31 Section 45. The Good Samaritan Act is amended by
32 changing Section 60 as follows:

1 (745 ILCS 49/60)

2 Sec. 60. Veterinarians; exemption from civil liability
3 for emergency care to humans. Any person licensed under the
4 Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ or
5 any person licensed as a veterinarian in any other state or
6 territory of the United States who in good faith provides
7 emergency care to a human victim of an accident, at the scene
8 of an accident or in a catastrophe shall not be liable for
9 civil damages as a result of his or her acts or omissions,
10 except for willful or wanton misconduct on the part of the
11 person in providing the care.

12 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

13 Section 99. Effective date. This Act takes effect on
14 December 31, 2003.